

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 35657

STATE OF IDAHO,)	2009 Unpublished Opinion No. 451
)	
Plaintiff-Respondent,)	Filed: May 6, 2009
)	
v.)	Stephen W. Kenyon, Clerk
)	
CLINTON L. PLUMB,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Third Judicial District, State of Idaho, Canyon County. Hon. Gregory M. Culet, District Judge.

Order denying I.C.R. 35 motion for reduction of sentence, affirmed.

Greg S. Silvey, Kuna, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

Before LANSING, Chief Judge; GUTIERREZ, Judge;
and GRATTON, Judge

PER CURIAM

Clinton L. Plumb was charged with lewd conduct with a minor under sixteen and pursuant to a plea agreement, pled guilty to an amended charge of sexual abuse of a child under sixteen, I.C. § 18-1506(b). The district court sentenced Plumb to a unified term of fifteen years, with seven years determinate. Plumb filed an Idaho Criminal Rule 35 motion for reduction of sentence, which the district court denied. Plumb appeals from that denial, contending that the district court abused its discretion by denying his Rule 35 motion.

A Rule 35 motion is a request for leniency which is addressed to the sound discretion of the sentencing court. *State v. Knighton*, 143 Idaho 318, 319, 144 P.3d 23, 24 (2006); *State v. Allbee*, 115 Idaho 845, 846, 771 P.2d 66, 67 (Ct. App. 1989). In presenting a Rule 35 motion, the defendant must show that the sentence is excessive in light of new or additional information

subsequently provided to the district court in support of the motion. *State v. Huffman*, 144 Idaho 201, 203, 159 P.3d 838, 840 (2007).

Applying the foregoing standards and having reviewed the record, we conclude that the district court did not abuse its discretion by denying Plumb's Rule 35 motion for reduction of sentence. Accordingly, the order of the district court denying Plumb's Rule 35 motion is affirmed.